

**CORRECTED COPY**

Ordinance No: 15-02

Zoning Text Amendment No: 03-01

Concerning: MPDU – Special

Development Requirements

Draft No. & Date: 2 – 4/1/03

Introduced: January 21, 2003

Public Hearing: February 25, 2003; 7:30 PM

Adopted: April 1, 2003

Effective: April 21, 2003

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Councilmembers Praisner, Denis and Perez

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- establishing special optional method of development requirements for MPDU projects with [[fewer than 35 but not less than]] 20 or fewer dwelling units.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-1  
Section 59-C-1.6

“RESIDENTIAL ZONES, ONE-FAMILY”

“Development including moderately priced dwelling units”

**EXPLANATION:** ***Boldface** indicates a heading or a defined term.*

*Underlining indicates text that is added to existing laws by the original text amendment.*

*[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.*

*Double underlining indicates text that is added to the text amendment by amendment.*

*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*

*\* \* \* indicates existing law unaffected by the text amendment.*

## OPINION

Zoning Text Amendment (ZTA) No. 03-01 was introduced on January 21, 2003 for the purpose of establishing special optional method of development requirements for MPDU projects with fewer than 35 but not less than 20 dwelling units. Under ZTA 03-01, an applicant who voluntarily builds at least 12.5 percent Moderately Priced Dwelling Units (MPDUs) in a development with fewer than 35 dwellings, but not less than 20 dwelling units, is eligible to use the MPDU optional method development standards, subject to certain requirements: (1) perimeter lots have to be developed using the same lot size and yard dimensions used in the construction of adjacent one-family detached homes; (2) the number of townhouses may not account for more than 40 percent of the total number of residential dwellings; and (3) the appearance of the market rate units and MPDUs must be similar.

The Montgomery County Planning Board in its report to the Council recommended that ZTA 03-01 not be approved, as introduced. The Planning Board took issue with the premise that any additional MPDU requirements are needed to assure compatible MPDU development. The Board's position is that the site plan process provides adequate protection; therefore, there is no clear need for the ZTA. On consideration of several refinements suggested by the sponsor of ZTA 03-01, the Planning Board indicated that it would not object to enactment of the ZTA, as proposed to be revised.

The County Council held a public hearing on February 24, 2003 to receive testimony concerning the proposed text amendment. At the public hearing, housing advocates tended to oppose the ZTA while citizen groups tended to support it. Those opposed to the ZTA argued that the ZTA would have a negative effect on the construction of MPDUs and is not needed since site plan review is a superior method of assuring neighborhood compatibility. Those in support of the ZTA took the position that the standards originally written for projects of 50 units or larger that require MPDUs, are not relevant to small projects with voluntary MPDUs, and that additional MPDU requirements are needed to prevent incompatible MPDU development on small in-fill parcels in established residential neighborhoods. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on March 20, 2003 to review the amendment. After careful consideration of the public hearing testimony and other materials of record, the Committee agreed to recommend approval of ZTA 03-01, with revisions to: (1) apply the additional optional development standards only to developments with 20 or fewer dwelling units, (2) delete the word "style" in the provision intended to achieve external similarity between market and MPDUs, and (3) authorize the Planning Board to increase the maximum percentage of townhouses in a voluntary MPDU development up to 100 percent of the total number of units in a voluntary MPDU development, if the Board finds increased townhouses more desirable from an environmental perspective and compatible with adjacent development. The Committee recommendation would limit the additional optional method MPDU requirements to parcels that are smaller than any previously reviewed and approved by the Planning Board.

The District Council reviewed Zoning Text Amendment No. 03-01 at a worksession held on April 1, 2003, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 03-01 will be approved as amended.

#### *ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

1           **Sec. 1. Division 59-C-1 is amended as follows:**

2   **DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.**

3   \*   \*   \*

4   **59-C-1.6. Development including moderately priced dwelling units.**

5   **59-C-1.61. Purpose and description.**

6   Where moderately priced dwelling units are included in a development in  
7   accordance with chapter 25A of this Code, as amended, this optional method of  
8   development is permitted in order to facilitate the construction of those units. The  
9   method permits an increase in density above the total number of dwelling units  
10   permitted by the standard method of development, as stated in section 59-C-1.32.  
11   It also permits additional dwelling unit types and a reduction in certain area and  
12   dimensional requirements. The site plan approval procedures of division 59-D-3  
13   must be followed except as provided in section 59-C-1.63. Where any of the  
14   provisions of this section are elected for a development, all of the requirements of  
15   this section apply.

16   \*   \*   \*

17   **59-C-1.62. Development standards.**

18   \*   \*   \*

19   **59-C-1.629. Special Optional Method of Development Requirements for**  
20           **MPDU Projects with [[fewer than 35 but not less than]] 20 or**  
21           **fewer dwelling units.**

22   An applicant who voluntarily builds at least 12.5 percent MPDUs in a development  
23   with [[fewer than 35 but not less than]] 20 or fewer dwelling units may use the  
24   optional method development standards of Sec. 59-C-1.62, except: (1) any  
25   perimeter lot that is adjacent, abutting, or confronting one or more existing one-  
26   family detached dwellings must conform to the lot area and yard requirements of  
27   the standard method of development; (2) the MPDU [[dwellings]] buildings must

be similar in ~~[[style,]]~~ size and height to the market rate dwellings in that development, and (3) the maximum percentage of townhouses must not exceed 40% of the total residential dwellings in that development; however, the Planning Board may approve a development in which up to 100 percent of the units consist of townhouses, if the Board finds that the increased use of townhouses is more desirable for environmental reasons and the increased use of townhouses is compatible with adjacent development.

**Sec. 2. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

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Mary A. Edgar, CMC  
Clerk of the Council